

REMARKS

Applicants have received and reviewed an Office Action dated September 8, 2005. By way of response, Applicants have canceled claims 12-23 without prejudice. No new matter is added. Claims 1-11 are pending. The pending claims are supported by the specification as filed.

For the reasons given below, Applicants submit the newly presented claims are in condition for allowance and notification to that effect is earnestly solicited.

Restriction Requirement

Applicants acknowledge the selection with traverse to prosecute the invention of Group I, claims 1-11.

Species Election Requirement

The Office Action asserts that the claims of Group I includes generic claim 1 and species of substituents on the polymer. The substituents listed include R1, R2, X, L, and Y. In response, Applicant elects as shown in the table immediately below.

| Substituent | Species |
|-------------|-------------------------------------|
| R1 | H |
| R2 | H |
| X | ester |
| L | NHCH(CH ₃) ₂ |
| Y | N-Acetyl Glucosamine |

Applicants respectfully request that the elected species be examined at this time. Applicants acknowledge that should a generic claim be allowed, the species election requirement is moot.

Specification

The Office Action asserts that the summary of the invention includes unnecessary details. The text under the heading "SUMMARY OF THE INVENTION" extends only from lines 5-14 on page 12. Applicants respectfully submit that these 10 lines of text do not include unnecessary detail about this invention.

The Office Action requested that Applicants complete the text found at pages 2, 14, and 15 relating to the application number of a copending application. The present amendment to the specification incorporates the serial number and title.

Obviousness-Type Double Patenting Rejection

The Examiner rejected claims 1-11 as being obvious over claims 1-14 of US Patent No. 6,825,308 in view of Mandeville et al. (US Patent No. 5,891,862). Applicants respectfully traverse this rejection.

Without acquiescing to the Examiner's arguments, Applicants will submit a terminal disclaimer at the appropriate time.

Claim Rejection Under U.S.C. §§ 102(b) and 103(a)

The Examiner rejected claims 1-11 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Mandeville et al. (U.S. Patent No. 5,891,862). Applicants respectfully traverse these rejections.

Mandeville et al. only disclose how to form a polymer or copolymer from monomeric units including fucoside moieties pendant from the side chains. Although the Mandeville et al. reference discloses copolymers, this reference does disclose block copolymers. The reference does not even include the word "block".

The Mandeville et al. reference fails to disclose the monomeric units, side chains, or linking groups employed in the presently claimed block co-polymer. Mandeville employs a sulfur atom in the side chain of the monomeric unit in Formula VIII as a link to the pendant fucoside moiety. The presently claimed block co-polymer does not include a sulfur atom on the side chain of the monomeric unit. The presently claimed block copolymer includes a sulfur atom in the group that couples one block to another block, which group is at the end of the block. The moiety that forms a bond between the blocks, "X" as recited in claim 1, is an ester or amide link, and not a sulfur atom.

Because the linking structure and side chains as presently claimed are neither taught nor suggested by Mandeville et al., the presently claimed invention is not anticipated by or obvious in view of Mandeville et al.

Lastly, the presently claimed invention does not make use of fucoside or a fucoside moiety. Mandeville et al. teach monomers including a fucoside moiety (abstract and col. 2, lines

18-20). The presently claimed invention recites a block copolymer having the formula recited in claim 1. Fucoside is not recited in claim 1. Therefore, one skilled in the art would not learn how to create a block copolymer including two copolymers and an ester or amide link without a fucoside moiety present. The presently claimed invention is not anticipated by or obvious in view of Mandeville et al.

For at least the foregoing reasons, the presently claimed invention is not anticipated by or obvious in view of the Mandeville et al. reference. Applicants respectfully request withdrawal of this rejection.

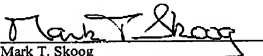
Summary

In summary, Applicants submit that each of claims 1-11 are in condition for allowance. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this application.

Respectfully submitted,

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Date: Jan 6, 2006


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